

**United States Department of the Interior
Bureau of Land Management**

**Decision Record
Environmental Assessment
DOI-BLM-CO-S010-2014-0011-EA**

April, 2015

**LPEA Powerline ROW Renewal and Modification
B141 Single to Three Phase**

Location:

New Mexico Principal Meridian, Colorado
T. 34 N., R. 8 W.,
Sec. 12;
T. 34 N., R. 7 W.,
Sec. 7.

The area described contains 2.6 acres.

Applicant/Address:

**La Plata Electric Association, Inc.
45 Stewart Street
PO Box 2750
Durango, CO 81302**

**Tres Rios Field Office
29211 Hwy 184
Dolores, CO 81323
970-882-7296
Fax: 970-882-6841**



DECISION RECORD
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LPEA Powerline ROW Renewal and Modification

B141 Single to Three Phase

It is my decision to authorize the proposed action, as described on pages 2 through 3 of the LPEA Powerline ROW Renewal and Modification B141 Single to Three Phase EA (DOI-BLM-CO-S010-2014-0011). The authorized action would be to issue a 30 year right-of-way (ROW) to LPEA to upgrade the existing single phase power line to a three phase power line.

The proposed action includes installation of a total of 19 power poles on BLM land. The power line would be constructed using bucket trucks, auger trucks, pickup trucks, backhoes, and all other equipment necessary to complete construction. Construction will take approximately 6 months to complete. All power poles and lines would be built in accordance with the Avian Power Line Interaction Committee (APLIC) Guidelines.

The project area would be accessed from BLM lands and construction would be conducted within the existing LPEA ROW on unpaved surfaces. The topography of the alignment to reach pole 29.2 is very steep, and would therefore be accessed by an approximate 0.15 mile detour from the alignment (Figure 2).

Authorities: The authority for this decision is contained in Title V of the Federal Land Policy and Management Act of 1976 and the BLM regulations (43 CFR 2800), at the discretion of the Secretary of the Interior or his/her delegated officer.

Compliance and Monitoring: The ROW would be subject to monitoring by BLM personnel during construction phases, in order to confirm compliance to the stipulations are met. After the construction phase, the ROW would be subject to compliance inspections every 5 years thereafter during the term of the ROW.

Terms / Conditions / Stipulations: Please see the attached "Right-of-Way Stipulations".

In addition, the following includes mitigation measures that are part of the Proposed Action intended to minimize or mitigate impacts.

Mitigation measures for the proposed action will include several timing restrictions to protect wildlife resources. The project is located in an area mapped by Colorado Parks and Wildlife as a winter concentration area for elk and mule deer. A timing restriction of December 1 through April 30 will mitigate impacts of disturbance on big game from the construction of the new line. Raptors may be nesting in the area. A timing limitation from February through July 31 will cover the nesting time frames for most species. A raptor clearance survey may be conducted if construction is desired in that time frame, in place of a timing restriction. A timing limitation from May 1- June 30 will be implemented to protect nesting migratory birds if construction activities will impact and nesting migratory birds. If no vegetation will be removed the timing restriction for migratory birds will not apply. A clearance survey for nesting migratory birds can be conducted if vegetation removal is required during that time frame, in place of a timing

restriction. A BLM-approved seed mix will be used to re-vegetate disturbed areas.

PLAN CONFORMANCE AND CONSISTENCY:

The proposed action and alternatives have been reviewed and found to be in conformance with one or more of the following BLM Land Use Plans and the associated decision(s):

Tres Rios Field Office Resource Management Plan (RMP), February 27, 2015. The proposed action would be consistent with the LUP as described in accordance with the Desired Conditions (2.19.7 and 2.19.29) on page II-104 and II-106. (Section 2.19).

Alternatives Considered: The No Action alternative was considered and analyzed providing a baseline for comparison of the impacts of the Proposed Action. The No Action alternative would have denied the ROW application as submitted by LPEA. If the No Action alternative was selected, BLM would not approve the construction of the three-phase overhead line, and LPEA would not be able to provide increased capacity to deliver power to customers in the region. The single phase overhead power line would remain in place.

Rationale for Decision: It is my decision to authorize the renewal and modification of B141 power line from single phase to three phase as described in the proposed action, because it is in conformance with all applicable laws and land use plans, is not in conflict with public uses. The Proposed Action The upgraded power line would allow for increased capacity to deliver power to members in the area. The upgraded capacity would reduce or eliminate loss of power events and is part of a long range improvement project. The ROW stipulations put in place would meet the goals of the BLM and LPEA, for managing the resources in the project area.

Internal scoping began in February 26, 2014. Public scoping was accomplished by advertising request for public comment in the Durango Herald for a two week period (December 12, 2014- December 26, 2014) in addition to the proposed action being posted on the Tres Rios Field Office NEPA website starting in February, 2014. No public comments were submitted.

The proposed alternative was selected because issues or concerns raised during scoping were addressed through stipulations or mitigation measures. The proposed alternative meets the agency and proponent's objectives.


The no action alternative was not selected because it did not meet the proponent's objectives.

Protest/Appeal Language: If you are adversely affected by this decision, within 30 days of receipt of this decision, you have a right to appeal to the Interior Board of Land Appeals, Office of Secretary, in accordance with regulations at 43 CFR Part 4.

This decision goes into effect immediately and will remain in effect while appeals are pending unless a stay is granted under 43 CFR §2812.9.



Connie Clementson



Date

Tres Rios Field Office - Field Manager

Attachments: ROW stipulations, Map

DOI-BLM-CO-S010-20134-0012 CX
RIGHT-OF-WAY STIPULATIONS

1. The holder shall contact the Authorized Officer (AO) at least 60 days prior to the anticipated start of any surface disturbing activities. It is the holder's responsibility to comply with all applicable Federal, State, and local laws and regulations existing or hereafter enacted or promulgated. The BLM will determine if any surveys or inventories are required. As necessary, the holder shall demonstrate compliance in writing, i.e., with surveys and inventories completed by qualified individuals, with the following laws including, but not limited to, the Endangered Species Act (if potential habitat is determined to be present), the National Historic Preservation Act, the Antiquities Act, the Archaeological Resources Protection Act and the Native American Graves Protection and Repatriation Act. Evaluations and inventories can be completed by BLM, or by the holder in order to meet the holder's schedule and subject to approval by the AO. It will likely take longer than 60 days to complete surveys and obtain approvals. The holder shall not initiate any surface disturbing activities on the right-of-way without prior written approval as determined necessary by the AO. Contact Jennifer Jardine, BLM Realty Specialist, at (970) 385-1224, or alternate William Dodd, Associate Field Manager, at (970) 385-1378.
2. Any relocation, additional construction, or use that is not in accordance with the approved conditions shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all plans and stipulations shall be made available at the right-of-way site during construction. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health or the environment.
3. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder. The holder is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts.
4. Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
5. Use of pesticides/herbicides shall comply with the applicable Federal and state laws. Pesticides/herbicides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides/herbicides, the holder shall obtain from the authorized officer written approval of the applicant's plan

showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. The plan should be submitted no later than March 1 of any calendar year to cover the proposed activities for the next growing season. Emergency use of pesticides/herbicides shall be approved in writing by the authorized officer prior to such use.

6. The holder shall be responsible for weed control within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations) including pesticides/herbicides approved for use on BLM land.
7. The holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.
8. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated regarding toxic substances or hazardous materials. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, section 102b. A copy of any report required or requested by any federal agency of state government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency of State government.
9. The authorized officer may suspend or terminate in whole, or in part, any construction or maintenance activities, when in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
10. All construction, operation and maintenance shall be within the authorized limits of the right-of-way granted herein.
11. All brush, grasses, and other woody material cleared from the right-of-way shall be removed from the public land and not scattered on site; unless the debris is used for reclamation as natural materials to enhance surface stability and re-vegetation efforts.
12. No burning of trash, litter, trees, brush or other vegetative material shall be allowed under this grant.
13. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support such equipment. If the equipment creates ruts in excess of four (4) inches deep, the soil shall be deemed too wet to adequately support the construction equipment.

14. The holder shall disturb the minimum amount of soils and vegetation necessary for the construction, operation, and maintenance of the facility. The holder shall re-contour disturbed areas as necessary by grading to restore the area to approximately the original contour of the ground as directed by the authorized officer.
15. The holder shall contact the AO to determine the appropriate seed mix to be used on all disturbed areas in the right-of-way. BLM places the following requirements on seed mixes which are put on BLM lands:

- 1) Use the following minimum PLS (Pure Live Seed) tolerances

PLS tested %	Tolerance % points
81-100	-7
61-80	-6
41-60	-5
21-40	-4
0-20	-3

All seed must comply with BLM and Colorado weed seed guidelines. There should be no prohibited species seed, and no more than allowable levels of restricted species seed. In addition, there should be no more than 0.5% total weed seed, less than 2% other seed, and no trash larger than 1/4" in length. Seed shall not be stored in burlap bags.

- 2) The BLM Tres Rios Field Office places additional local restrictions on seed to minimize cheatgrass spread. If seed tests show any *Bromus tectorum* or *Bromus japonicus*, the BLM should be consulted with for approval. No mix placed on BLM shall contain more than 150 *Bromus tectorum* and/or *Bromus japonicus* seeds per pound.
- 3) BLM requires additional seed tests on seeding projects that are greater than 20 acres and/or require over 200 lbs of seed. For these seeding projects, the holder should have the seed supply company store the purchased seed prior to mixing, and pull samples to be sent to a certified laboratory, preferably Colorado State Laboratory at the following address. Seed test results must comply with the criteria listed above before seed is mixed, shipped and applied to the project area:
- Colorado State Laboratory
Colorado State University
Department of Soil and Crop Sciences
Fort Collins, CO 80523
- 4) BLM will need copies of seed tags and test results for all seed applied regardless of project size.
- 5) Only State Certified weed free mulch shall be used.

16. For powerlines, unless otherwise agreed to by the authorized officer in writing, they shall be constructed in accordance to standards outlined in "Suggested Practices for Avian Protection on Powerlines: The State of the Art in 2006" (Avian Power Line Interaction Committee. 2006. Available at: [http://www.aplic.org/uploads/files/2643/SuggestedPractices2006\(LR-2\).pdf](http://www.aplic.org/uploads/files/2643/SuggestedPractices2006(LR-2).pdf)). The holder shall assume the burden and expense of proving that pole designs not shown in the above publication are "eagle and raptor safe." Such proof shall be provided by a raptor expert approved by the authorized officer. The BLM reserves the right to require modifications or additions to all powerline structures placed on this right-of-way, should they be necessary to

ensure the safety of large perching birds. Such modifications and/or additions shall be made by the holder without liability or expense to the United States. All pole replacements will be brought up to this standard. For all maintenance activities that involve, but are not limited to, nest relocation or destruction, temporary possession, depredation, salvage/disposal, harassment, and scientific collection of raptors, the right-of-way holder shall provide the BLM with a copy of their current Migratory Bird Permit for those activities.

17. For access and maintenance of facilities, the holder shall use existing roads. When existing roads are not available, the holder may use the right-of-way for access. BLM roads should not be maintained without first consulting with the authorized officer.
18. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan as necessary. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, re-contouring, top-soiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.
19. Per the BLM Wildlife Biologist and Ecologist, the holder shall conform to the following mitigation measures, including the attached Fish and Wildlife Clearance Report, to ensure the project has no effect on any federally listed or sensitive species:
 - Construction activity and new surface disturbance will be prohibited during the period from December 1st to April 30th for the protection of elk and mule deer within winter and severe winter range. Any exceptions to this requirement must have prior written approval from the authorized officer.
 - To the extent possible, reptiles or amphibians observed in the project area will be avoided and will not be intentionally harmed.
 - Migratory Birds and Raptors: To minimize impacts on migratory bird populations, it is recommended that no surface disturbing activities occur from May 15th through July 15th.
 - Surface disturbing activities or application of herbicide will not occur within 660 feet of known federally protected plant populations, or within 330 feet of known BLM sensitive plant populations. For small scale or less intensive treatments or activities (e.g., vegetation trimming, hand tool work, etc., as determined by a BLM biologist or ecologist), ground disturbing activities will not occur within 100 feet of known federally protected plants, or within 50 feet of known BLM sensitive plants. Appropriate sediment and erosion control, weed control, and similar practices will be applied as necessary to protect plant populations.

